



The “Responding Defendants,”<sup>1</sup> by and through their respective counsel, hereby respond to *Plaintiffs’ Unopposed Motion to Consolidate* [ECF 193 in *QJ Team*] as follows:<sup>2</sup>

Defendants are not opposed to, and support, the relief sought in the Motion to Consolidate, which requests the Court to enter a proposed Order that would:

- Consolidate *QJ Team, et al. v. Texas Association of Realtors, et al.*, Case No. Case No. 4:23-CV-1013-SDJ (E.D. Tex.) and *Julie Martin, et al. v. Texas Association of Realtors, et al.*, Case No. 4:23-CV-1104 (E.D. Tex.);
- Provide that the master docket and master file for the consolidated actions be *QJ Team, et al. v. Texas Association of Realtors, et al.*, Case No. 4:23-CV-1013-SDJ (E.D. Tex.); and
- require Plaintiffs to file a consolidated complaint in Case No. 4:23-CV-1013-SDJ on or before March 15, 2024.

Although Defendants are in favor of the relief requested in Motion to Consolidate, they disagree with and dispute some of the factual statements and arguments included in the motion, including Plaintiffs’ contention that there are “common issues of fact and law posed by the

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<sup>1</sup> The Responding Defendants are, in alphabetical order, ABA Management, L.L.C. d/b/a Allie Beth Allman and Associates; ATX WIR LLC; Austin Board of Realtors®; Austin/Central Texas Realty Information Service; Central Texas Multiple Listing Service, Inc.; CitiQuest Properties, Inc.; DMTX, LLC; DSJMM, LLC; Ebby Halliday Real Estate, LLC; Fathom Realty, LLC; Fort Hood Area Association of Realtors®, Inc.; Four Rivers Association of Realtors®, Inc.; Greater El Paso Association of Realtors®; Greater Fort Worth Association of Realtors®, Inc.; Greenwood King Properties II, Inc.; Hexagon Group, LLC; Heyl Group Holdings LLC; HomeServices of America, Inc.; Houston Association of Realtors®, Inc.; Houston Realtors® Information Service, Inc.; JP Piccinini Real Estate Services, LLC d/b/a JPA; Keller Willis San Antonio, Inc.; Mark Anthony Dimas; MetroTex Association of Realtors®, Inc.; MJHM LLC; Moreland Properties, Inc.; North Texas Real Estate Information Systems, Inc.; PenFed Realty, LLC; Real Agent LLC; Realty Austin, LLC; RFT Enterprises, Inc.; San Antonio Board of Realtors®, Inc.; San Antonio Legacy Group, LLC; Side, Inc.; Square MB, LLC; Team Burns, LLC d/b/a Monument Realty; Temple-Belton Board of Realtors®, Inc.; Texas Association of Realtors®, Inc.; The Dave Perry-Miller Company; The Loken Group, Inc.; Turner Mangu LLC; Victoria Area Association of Realtors®, Inc.; and Williamson County Association of Realtors®, Inc.

<sup>2</sup> By filing this Response, Defendants do not waive, in this or any other action, any Defendant’s counterclaims, defenses, affirmative defenses, rights (including arbitration), or arguments, whether stemming from common law, statute, or otherwise.

Actions.” Motion to Consolidate pp. 4-5. While it is true that the *QJ Team* case and *Martin* case include numerous overlapping parties, issues, and facts that satisfy Federal Rule of Civil Procedure 42(a) and justify consolidation, these issues of fact and law are not “common” with respect to the alleged class members in either case for purposes of Federal Rule of Civil Procedure 23.

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Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

Pursuant to Rule 5(d)(1)(B) of the Federal Rules of Civil Procedure, as amended, no certificate of service is necessary because this document is being filed with the court's electronic filing system.